



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON, D.C. 20370-5100

TJR

Docket No: 3351-00

23 October 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 17 October 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 27 May 1999 at the age of 21.

Your record contains a Naval Drug Laboratory message dated 4 June 1999 which indicates that, following an urinalysis screening, your urine tested positive for marijuana. On 10 June 1999 you were notified of proposed administrative separation actions by reason of erroneous entry due to pre-service drug abuse. After consulting with legal counsel, you elected to submit a written statement in rebuttal to the separation.

Subsequently, your commanding officer directed you be separated with an uncharacterized entry level separation by reason of erroneous entry due to drug abuse, and on 20 July 1999 you were so separated and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that the RE-4 reenlistment code hinders your ability to reenlist in any branch of service. The Board also considered your contention that you were told that even though you smoked marijuana, you were eligible for reenlistment six months after your separation. The Board further considered your contention that you had to resign from your position because of your attempts to reenlist. However, the Board concluded these factors were not sufficient to warrant a change in your reenlistment code. Such a code is mandatory when individuals who are separated due to drug abuse. Given all the circumstances of your case, the Board concluded the assigned reenlistment code was proper and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director